

FIRST PRIZE

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Today, more than two centuries after the establishment of our great nation, it is undeniable that America has experienced tremendous success. This accomplishment could be attributed to any number of different aspects of the nation, but certainly one of the most significant has been, and continues to be, the brilliantly crafted framework of the government. The United States Constitution, written in 1789, has proven to be exceptionally effective and has been used as a model for the foundations of the governments of other countries. The Massachusetts Constitution, which was written by John Adams nine years prior to composition of the national Constitution, likewise served

as an example for that later document. What is it about the structure specified in these documents that has made them so valuable and enduring?

One notable component of both constitutions is the division of powers between the executive, legislative, and judicial branches of government. In Article 29 of the Massachusetts Constitution, Adams reasoned that this system of delegating powers would make “a government of laws and not of men [people].” Adams’ goal in including this provision was to promote balance and equality in the new government. He knew that people are flawed in their inherent inability to be impartial. It is possible for any person to become corrupt; in fact, people in positions of great power may even be more susceptible. As both a lawyer and someone familiar with political theories, Adams also knew the value of justice. He even agreed to defend the British soldiers being tried for the Boston Massacre, despite the fact that he was decisively opposed to British tyranny. Laws could secure the fairness he knew was so crucial to success, even if the inconsistent opinions of people threatened to make detrimental changes.

Separation of powers helps to ensure “a government of laws and not of men [people]” by setting up a system of checks and balances. Since there are three separate branches in this governmental system, each section has specific powers and duties. However, each branch also has the ability to regulate the other branches in some way. For example, the executive can veto legislation that Congress has passed, but Congress can override that veto. The executive is also specified the power to nominate candidates to become Supreme Court justices, while the Senate votes to approve or disapprove these nominees. These powers have been exercised recently in the appointment of Associate Justice Samuel Alito, Jr. President Bush nominated him, and hearings in the Senate began

on January 9, 2006. Justice Alito was confirmed by a vote of fifty-two to forty-eight, a small margin for such an important and controversial selection, and sworn in on January 30. This is only one example of federalism in action; in all of the branches of the United States government combined there are hundreds of individuals, making it much more difficult for widespread injustice and corruption to occur than if only one branch or one leader existed.

Throughout America's history there have been examples of the importance of the system of checks and balances among the three branches. One prominent illustration is the first time the power of judicial review was exercised. Judicial review is the ability of courts to either uphold a particular piece of legislation or declare it unconstitutional. The case *Marbury v. Madison* was brought before the Supreme Court in 1803, during the time that John Marshall, a Federalist, was Chief Justice. Marbury, a midnight appointee of President John Adams, wanted Marshall to order secretary of state James Madison to give him his judicial commission. However, Madison was refusing to do so under the orders of President Jefferson, who did not respect Marshall or the courts. Marshall averted a crisis with the executive and established the power of judicial review by declaring the Judiciary Act of 1789 unconstitutional and saying that he had no authority to force Madison to give Marbury the commission. This exceptional decision by John Marshall has had a lasting influence, further demonstrating the significance of federalism.

At the time of our government's creation, it was given several innovative features that have made it exceedingly successful and long lasting. Perhaps the most important of these is the basic structure of the government itself: a three branch system under which the executive, legislative, and judicial branches all have the power to check and balance

one another. These checks and balances help to make certain that America has “a government of laws and not of men [people]”, meaning that the government is designed to protect fairness and stability while prohibiting injustice and corruption. These aspects of the Massachusetts Constitution, and later the United States Constitution, helped to make America the thriving nation that it has become today.